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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Ecuador (on behalf of the Latin American Group): draft resolution

1998/... Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on human rights,

Recalling its resolution 1997/51 of 15 April 1997,

Taking note with satisfaction of the report by the members of the mission sent to Guatemala by the Secretary-General (E/CN.4/1998/93),

Expressing its appreciation to the Government of Guatemala and other actors for their cooperation with the mission appointed by the Secretary-General, which has enabled it to carry out its mandate to the full,

Acknowledging that institutionally there no longer exists an established State policy that violates basic human rights or individual guarantees in the country,

Acknowledging also the fundamental contribution that the United Nations Verification Mission in Guatemala (MINUGUA) has made to that end, and in general to the peace process,

Recalling that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations,

Congratulating the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), as signatories to the Agreement on a Firm and Lasting Peace, on the successful implementation of all the aspects concerned with the termination of the internal armed conflict,

Expressing its gratification at the progress achieved in the implementation of the peace agreements in Guatemala, which is considered positive and necessary for the consolidation of democracy and the full realization of human rights, particularly civil and political rights,

Considering that, despite this significant progress, the process of execution of the peace agreements has entered upon a phase in which further firm and important decisions are necessary in regard to the implementation of substantive aspects contained mainly in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, the Agreement on Social and Economic Aspects and the Agrarian Situation, and the Agreement on the Identity and Rights of Indigenous Peoples,

Requesting all political parties with parliamentary representation in Guatemala to implement as soon as possible the constitutional reforms, in accordance with what was determined in the peace agreements in order to give them the requisite judicial and constitutional validity,

Considering, in particular, that representatives of the Government of Guatemala jointly with representatives of the Mayan, Garífunas and Xincas organizations are conducting a process of dialogue and negotiation through the joint commissions set up in pursuance of the Agreement on the Identity and Rights of Indigenous Peoples, with the objective of eliminating the long-standing discrimination and exclusion and defining new mechanisms for political, economic, social and cultural participation by the indigenous peoples,

Taking into account the fact that the redefinition of a multicultural, multilingual and multiethnic nation, as also the need to give full legal and

constitutional validity to the agreements, necessitates the constitutional reforms provided for in the peace agreements,

Calling upon the Government of Guatemala to intensify the policies aimed at improving conditions of public security and administration of justice, especially in the fight against impunity,

Expressing its interest in the continuation of progress in dealing with the national agrarian issue and with fiscal policies within the terms and the spirit established in the peace agreements,

Aware of the citizen security problem,

Expressing its confidence that, as stated by the Executive, the participation of the armed forces with the national civil police and the Public Prosecutor's Office will be temporary and subject to civilian authority,

Expressing its concern about the difficulties that have been encountered in the bringing into force and practical application of the Childhood and Youth Code, in conformity with the Convention on the Rights of the Child,

Considering that Guatemala meets the conditions for moving into a new phase of cooperation and technical assistance and that this must be encouraged,

Taking into account the cooperation programmes that Guatemala is receiving from other United Nations bodies,

Welcoming the establishment of a forum for exchange of views between governmental and non-governmental human rights organizations, whose objective must be joint analysis of policies and mechanisms for the protection and promotion of human rights, and urging the participants to consolidate that forum.

1. Commends the work performed by the members of the mission appointed by the Secretary-General, and requests the Government of Guatemala and other actors to take into account the conclusions and recommendations contained in the report submitted by that mission (E/CN.4/1998/93);

2. Declares its support for the actions of MINUGUA, which are contributing to the consolidation of democracy and the effective implementation of the peace agreements, and recommends the extension of its mandate until the completion of the established timetable;

3. Expresses its support for the work of the Commission for Historical Clarification, recommends the Government of Guatemala to

collaborate with that Commission by providing it with all the information it requests, and urges the Government to adopt and promote the recommendations formulated in the Commission's final report;

4. Recalls the importance of the provisions contained in the Comprehensive Agreement on Human Rights, to the effect that it is a humanitarian duty to compensate and/or assist victims of human rights violations, priority being given to those in greatest need, such as uprooted populations, widows, orphans and relatives of missing persons, through measures and programmes of a civil and socio-economic nature, and appeals in furtherance of that objective to the cooperation of the international community;

5. Recommends the Government of Guatemala to ratify all international standards for the protection of human rights and establish all the necessary mechanisms for active participation in their application, and to continue cooperating with the organisms of the United Nations system for the promotion and defence of human rights;

6. Requests the Office of the United Nations High Commissioner for Human Rights, when the agreement on the provision of advisory services in the field of human rights signed between the High Commissioner's office and the Government of Guatemala expires, to renew it, providing assistance particularly to the Office of the Ombudsman, to governmental bodies, and to non-governmental organizations for the protection of human rights, of women and of indigenous populations;

7. Encourages the Government of Guatemala to expedite and intensify the provision of assistance and services to the most vulnerable sectors of the population, in conformity with the content and spirit of the peace agreements, particularly the Agreement on Social and Economic Aspects and the Agrarian Situation;

8. Expresses its wish that the structure and goals of tax and fiscal reform, on which the country's development largely depends, be in accordance with the terms established in the peace agreements;

9. Declares its support for the proposals for reform of the judicial system made by the Commission on the Strengthening of the Justice System, so that they may be implemented and progress made, through duly coordinated action with the Public Prosecutor's Office and the national civil police, towards solving the problem of citizen security;

10. Requests the Government of Guatemala and the indigenous peoples' organizations to give effect as soon as possible to the undertakings agreed to in the framework of negotiations and decisions of the joint commissions;

11. Encourages State organisms and all sectors of Guatemalan society to give effect as soon as possible to the commitments entered into with the signing of the Convention on the Rights of the Child;

12. Requests the acceleration of the mechanisms to facilitate the full integration of all demobilized persons into the country's civilian and productive life;

13. Urges the international community, and in particular the United Nations, to continue providing, especially in this transitional phase, their support to Guatemala, in order to achieve complete and timely implementation of the agreements signed and full realization of fundamental human rights, supplying and increasing the technical and financial resources necessary for the execution of all the agreements;

14. Decides to conclude its consideration of the human rights situation in Guatemala.